

FRED CLARK JR.  
10 River Edge Road  
Bergenfield, NJ 07621  
Telephone: (201) 233-9408  
Facsimile: (201) 374-1176

Attorney for Plaintiff, Pro Se

2013 JUN -7 PM 3:24

CLERK OF COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY \_\_\_\_\_

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JUN - 6 2013

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FRED CLARK JR.,	) Case No.: 12cv1186JLS(BLM)
	)
Plaintiff,	) NOTICE OF EX-PARTE APPLICATION AND EX-
	) PARTE APPLICATION TO ATTEND HEARING FOR
vs.	) THE DEFENDANT'S MOTION FOR SUMMARY
	) JUDGMENT BY TELEPHONE
THE CITY OF SAN DIEGO, et al.,	)
	) Hearing Date: June 21, 2013
Defendants.	) Time: 1:30PM
	) Judge: Hon. Janis L. Sammartino
	) Ctrm: 4A, Schwartz


TO DEFENDANTS: CITY OF SAN DIEGO et al. AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on June 21, 2013 at 1:30PM or as soon thereafter as the matter can be heard, in Courtroom 4A, Fourth Floor (Schwartz) of the Honorable Janis L. Sammartino in the above-entitled court located at 221 West Broadway, San Diego, California, the Plaintiff, will and does move the Court by ex-parte application for an ORDER PERMITTING THE PLAINTIFF TO ATTEND HEARING FOR THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BY TELEPHONE.

This ex-parte application will be based upon this Notice, and the DECLARATION OF THE PLAINTIFF IN SUPPORT OF EX-PARTE APPLICATION TO ATTEND HEARING FOR THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BY TELEPHONE.

1 I declare under penalty of perjury that the foregoing is true and correct.

2  
3 Dated this June 3, 2013

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5 10 RIVER EDGE ROAD  
6 BERGENFIELD NJ 07621  
7 FRED CLARK JR (PRO SE)  
8 ATTORNEY FOR THE PLAINTIFF  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

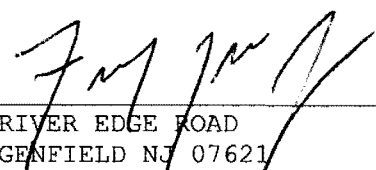
FRED CLARK JR.,	) Case No.: 12cv1186JLS(BLM)
	)
Plaintiff,	) <b>DECLARATION OF THE PLAINTIFF IN SUPPORT OF</b>
	) <b>EX-PARTE APPLICATION TO ATTEND HEARING FOR</b>
vs.	) <b>THE DEFENDANT'S MOTION FOR SUMMARY</b>
	) <b>JUDGMENT BY TELEPHONE</b>
THE CITY OF SAN DIEGO, et al.,	)
	) Hearing Date: June 21, 2013
Defendants.	) Time: 1:30PM
	) Judge: Hon. Janis L. Sammartino
	) Ctrm: 4A, Schwartz

The Plaintiff HEREBY declares the following:

1. June 22, 2013 is my wife's due date for the birth of our second child.
2. The doctor has instructed us that there is a risk of complications and/or birth defects.
3. I will be unable to attend the hearing scheduled for June 21, 2013 due to the two aforementioned declarations, as my presence is required in New Jersey, where I reside.
4. If the motion is heard, I hereby volunteer to attend by telephone, if the court can arrange a conference call. I can be reached at 914-714-6147. Thank you for your consideration.

1 I declare under penalty of perjury that the foregoing is true and correct.

2  
3 Dated this June 3, 2013

4   
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7 FRED CLARK JR (PRO SE)  
8 ATTORNEY FOR THE PLAINTIFF  
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Attorney for Plaintiff, Pro Se

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FRED CLARK JR.,	)	Case No.: 12cv1186JLS(BLM)
	)	
Plaintiff,	)	<b>CERTIFICATE OF SERVICE</b>
	)	
vs.	)	
	)	
THE CITY OF SAN DIEGO, et al.,	)	
	)	
Defendants.	)	
	)	

I, Lydia R. Clark, declare under penalty of perjury that I am, and was at the time of service of the papers herein referred to, over the age of eighteen years and not a party to this action; and that I served the individuals on the service list attached hereto the following documents:

- **DECLARATION OF THE PLAINTIFF IN SUPPORT OF EX-PARTE APPLICATION TO ATTEND HEARING FOR THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BY TELEPHONE ;**
- **NOTICE OF EX-PARTE APPLICATION AND EX-PARTE APPLICATION TO ATTEND HEARING FOR THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BY TELEPHONE**
- **[PROPOSED] ORDER GRANTING THE PLAINTIFF'S EX-PARTE APPLICATION TO ATTEND HEARING FOR THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT BY TELEPHONE; AND**
- **CERTIFICATE OF SERVICE; DATED June 4, 2013.**

by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

1 JOHN RILEY  
2 OFFICE OF THE CITY ATTORNEY, CITY OF SAN DIEGO  
3 1200 THIRD AVENUE, SUITE 1100  
4 SAN DIEGO, CA 92101  
5 Attorney for Defendants, Deputy City Attorney

6 CLERK OF THE COURT  
7 UNITED STATES DISTRICT COURT  
8 SOUTHERN DISTRICT OF CALIFORNIA  
9 880 FRONT STREET, SUITE 4290  
10 SAN DIEGO, CA 92101

11  
12 [x] (BY MAIL) I served the individuals named by placing the aforementioned  
13 documents in a sealed envelope. I then placed it for collection with the  
14 United States Postal Service this same day.

15 Dated this June 4, 2013

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Lydia R. Clark